

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**KIM JOE GRAVES**

v.

**UNITED STATES OF AMERICA**

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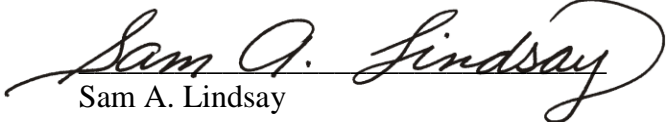
**Civil Action No. 3:16-CV-3288-L  
Criminal Action No. 3:05-CR-0082-L**

**ORDER**

Before the court is Kim Joe Graves (“Graves”) pro se Motion to Vacate Sentence (Doc. 1), filed November 21, 2016; the Government’s Response (Doc. 8), filed May 13, 2017; and Graves’s Reply (Doc. 9), filed June 5, 2017. On December 21, 2018, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), recommending that the motion be dismissed as barred by the statute of limitations, or alternatively, that it be denied. No objections were made to the Report.

Having reviewed the record in this case, Report, and applicable law, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Petitioner’s Motion to Vacate Sentence and **dismisses with prejudice** this action as barred by the statute of limitations.

**It is so ordered** this 17th day of January, 2019.

  
Sam A. Lindsay  
United States District Judge